

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 IN RE TFT-LCD (FLAT PANEL) ANTITRUST
12 LITIGATION

No. C 07-01827 SI

Individual Case No. 10-05625 SI

**ORDER DENYING WITHOUT
PREJUDICE ADMINISTRATIVE
MOTION TO FILE DOCUMENTS
UNDER SEAL**

(Docket No. 8743)

13 This Document Relates to:

14 ALFRED H. SIEGEL, AS TRUSTEE OF THE
15 CIRCUIT CITY STORES, INC. LIQUIDATING
16 TRUST,

17 Plaintiff,

18 v.

19 AU Optronics Corporation, et al.,

20 Defendants.

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23 On November 4, 2013, plaintiff Alfred H. Siegel, as Trustee of the Circuit City Stores, Inc.
24 Liquidating Trust, filed an administrative motion to file under seal portions of its opposition to
25 defendant AU Optronics Corporation's motion for partial summary judgment on choice-of-law grounds.
26 See Dkt. 8743. The plaintiff takes no position regarding whether there is good cause for sealing the
27 documents, but submits that the defendant has designated these documents "highly confidential"
28 pursuant to the Protective Order governing this action. *Id.*

1 When a party seeks to file under seal a document the opposing party has designated as
2 confidential, Civil Local Rule 79-5(e) governs the procedure that must be followed. Under this Rule,
3 the designating party must file a declaration “establishing that all of the designated material is sealable,”
4 within four days of the filing of the administrative motion to seal. Civil L.R. 79-5(e)(1). To date, the
5 defendant has not filed anything in response to the plaintiff’s administrative motion. Thus, the
6 defendant has not met its burden of demonstrating that the designated material is sealable.

7 Accordingly, the Court DENIES the plaintiff’s administrative motion to seal. Dkt. 8743. This
8 denial is without prejudice to the plaintiff refiling the motion and the defendant submitting the required
9 responsive declaration, no later than **November 18, 2013**. The defendant is reminded that this
10 declaration must be narrowly tailored and must demonstrate “compelling reasons supported by specific
11 factual findings that outweigh the general history of access and the public policies favoring disclosure,
12 such as the public interest in understanding the judicial process.” *Kamakana v. City and Cnty. of
Honolulu*, 447 F.3d 1172, 1178-79 (9th Cir. 2006) (internal quotations and citations omitted).

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15 **IT IS SO ORDERED.**

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18 Dated: November 13, 2013



19 SUSAN ILLSTON
20 UNITED STATES DISTRICT JUDGE
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